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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,926	01/22/2004	Joanne Milano		5743

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EXAMINER	
GREENE, DANA D	
ART UNIT	**PAPER NUMBER**
3762	

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/762,926	MILANO, JOANNE	
	Examiner	Art Unit	
	Dana D. Greene	3762	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 January 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 January 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 3-6 stand rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. The claims positively recite the human body. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Nelms (US 3,964,490, hereinafter "Nelms") in view of Malinouskas et al. (US 5,882,300, hereinafter "Malinouskas"). Nelms is considered to disclose:

at least one conductor means (*see* col. 2, ln. 10-37, Nelms). The disclosed cables comprise an electrical conductor of predetermined length for providing electrical stimulation;

at least one retraction means about which the conductor means may be retracted to a stored state (*see* col. 1, ln. 35-43, Nelms). The disclosed retracting means is considered to anticipate the claimed retraction means because both are adapted to

exert a retracting force capable of causing the length of the lead means to retract into a storage relationship;

at least one locking means attached to the retraction means capable of locking the locking means when a user draws the conductor means from the retracted stored state to a desired length for use and then maintaining the desired length and the locking means being further capable of unlocking the locking means by the user when the user returns the conductor means to the retracted stored state (*see* col. 1, ln. 35-45, Nelms). The locking means of Nelms is considered to anticipate the claimed locking means because both are configured to exert a locking force on the lead or cable means in excess of the retracting force. In this connection, the lead means length is maintained in a specific position only while the locking means is activated;

the conductor means further comprising at least one electronically attached contact detection means capable of detecting the integrity of the contact of the conductor means with that of the user selected objects to which the conductor means has been attached (*see* col. 2, ln. 20-46 and col. 4, ln. 35-40, Nelms). The disclosed electrical contact is considered to anticipate the claimed electronically attached contact detection means because both are capable of determining the soundness of the contact means by with the component to which the conductor is attached. In this connection, an electromedical device including cable leads for delivery an electrical signal to a location of a patient's body includes a conductor means for making determinations on the soundness of the connection.

Nelms is considered to disclose the claimed invention as discussed above except for the claimed indicator means. However, Malinouskas is considered to disclose the indicator means that communicates to the user the condition of the integrity of the contact of the conductor means with that of the user selected objects to which the conductor means has been attached (*see* col. 7, ln. 53-60, Malinouskas). It would have been obvious to one of ordinary skill in the art to combine the teachings of Nelms with the indicator of Malinouskas for the purpose of indicating presence or absence of contact between the device and its intended connection by the invention such as a fetal monitor, printer, computer, etc.

With reference to claim 2, Nelms is considered to disclose the claimed invention as discussed above except for the claimed input and/or output device. However, Malinouskas is considered to disclose the computer in the form of a control panel having standard controls such as a digital display, audio volume controls, recorder controls, and the like (*see* col. 4, ln. 43-45, Malinouskas). It would have been obvious to one of ordinary skill in the art to combine the teachings of Nelms with the device in Malinouskas for the purpose of interfacing the cable management and contact monitoring system with a device such as a computer and computer input or output devices, fetal monitors, defibrillators, heart monitors and therapeutic electrical stimulation machines in a clinical setting.

Referring to claim 3, Nelms is considered to disclose the claimed cable management and contact monitoring system as discussed above except for the fetal monitor, heart rate monitor, and therapeutic electrical stimulation machine. However,

Malinouskas is considered to disclose these devices (*see* col. 1, ln. 10-30, Malinouskas). It would have been obvious to one of ordinary skill in the art to combine the cable management and contact monitoring techniques of Nelms with the fetal monitors, defibrillators, heart monitors, and therapeutic electrical stimulation machines of Malinouskas for the purpose of reducing the consequences that result from the use of certain types of connectors which cause an endless tangle of cables.

With reference to claim 7, Nelms is considered to disclose:

an electrical device (*see* col. 1, ln. 27-30, Nelms); an electrical power supply connected to the electrical device by the conductor means (*see* col. 1, ln. 29-31, Nelms). It would have been obvious to one of ordinary skill in the art to combine the teachings of Nelms with the indicator of Malinouskas for the purpose of indicating presence or absence of contact between the device and its intended connection by the invention such as a fetal monitor, printer, computer, etc.

Referring to claims 8, 9, and 11, Nelms is considered to disclose the claimed invention as discussed above except for the claimed indicator means. However, Malinouskas discloses an LED indicator capable of being illuminated for a brief time period (*see* col. 7, ln. 53-60, Malinouskas). It would have been obvious to one of ordinary skill in the art to combine the teachings of Nelms with the indicator means of Malinouskas for the purpose of indicating presence or absence of contact between the device and its intended connection by the invention such as a fetal monitor, printer, computer, etc. and to transmit a signal to the specified monitor, computer, etc.

With reference to claim 10, Nelms is considered to disclose the claimed invention as discussed above except for the claimed audible alarm. However, Malinouskas discloses an alarm (*see* col. 3, ln. 1-15, Malinouskas). It would have been obvious to one of ordinary skill in the art to combine the teachings of Nelms with the alarm of Malinouskas for the purpose of indicating the presence or absence of contact between the device and its intended connection.

Referring to claim 12, Nelms is considered to disclose the claimed invention as discussed above except for the claimed microprocessor. However, Malinouskas disclose a microprocessor (see col. 8, ln. 60-64, Malinouskas). It would have been obvious to one of ordinary skill in the art to combine the teachings of Nelms with the microprocessor of Malinouskas for the purpose of communicating the signal to the indicator means without ruining the stability of the contact with the computer, fetal monitor, heart monitor, etc.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dana D. Greene whose telephone number is (571) 272-7138. The examiner can normally be reached on M-F 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes can be reached on (571) 272-4955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dana D. Greene

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